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August 27, 2004

**VIA UPS OVERNIGHT DELIVERY**


Chief Clerk's Office  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, Illinois 62701

Re: ***ICC Nicor Proceedings***  
***Icc Docket No. 01-0705, No. 02-0067 and No. 02-0725***


Dear Sir or Madam:

Enclosed for filing are two copies of a letter transmitted to the Court in the above referenced case. Please file and date stamp and return one copy to me in the enclosed self-addressed stamped envelope. Thank you.

Very truly yours,

  
David B. Kahn

DBK/pt  
Enclosure

  
ILLINOIS  
COMMERCE COMMISSION  
2004 AUG 30 P 1:57  
CHIEF CLERK'S OFFICE

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August 18, 2004

**VIA FACSIMILE (312-814-7289)  
and REGULAR U.S. MAIL**

Honorable Glennon P. Dolan  
Public Utilities Law Division, Illinois Commerce Commission  
160 N. LaSalle Street, Suite C-800  
Chicago, Illinois 60601-3104

Honorable Leslie D. Haynes  
Public Utilities Law Division, Illinois Commerce Commission  
160 N. LaSalle Street, Suite C-800  
Chicago, Illinois 60601-3104

Re: ***ICC Nicor Proceedings***  
***ICC Docket No. 01-0705, No. 02-0067 and No. 02-0725***

ILLINOIS  
COMMERCE COMMISSION  
2004 AUG 30 P 1:57  
CHIEF CLERK'S OFFICE

Your Honors:

As you may know we represent the derivative plaintiffs in the Chancery Court proceedings. We filed a motion to intervene on July 23<sup>rd</sup> in order to become parties to the confidentiality agreement in this case. There have been no objections to our intervention. One party, Nicor objected only to our being included on the service list.

We understand Nicor's concerns were addressed at a recent hearing in these proceedings. Nicor's objection to our being on the service list should not delay the resolution of this motion. Service here is electronic and we do not believe Nicor is concerned with any inconvenience. We

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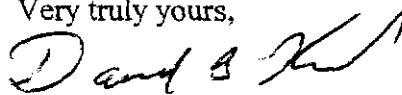
Honorable Glennon P. Dolan  
Honorable Leslie D. Haynes  
August 17, 2004  
Page 2

understand that Nicor is instead concerned that we will seek to be heard on some issue in these proceedings in the future. If we ever do so, Nicor can then lodge its objections. This possibility need not be addressed now and should not delay a ruling on our intervention motion.

We would also point out that it is highly likely that the Nicor defendants would assert in our Chancery case any rulings in this case which are adverse to our suit against them. It is therefore only fair that we be afforded the opportunity to follow these proceedings by inclusion on the service list.

Our discovery in the Chancery case is delayed until this intervention motion is resolved. We would ask to be advised if there is anything further Your Honors would need from us in order to resolve our motion.

Very truly yours,



David B. Kahn

DBK/pt

cc: All Parties on ICC Service List (sent electronically)